

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF TENNESSEE**  
**NASHVILLE DIVISION**

GERDA ZINNER, ET AL., )  
Plaintiffs, )  
vs. ) No. 3:23-cv-107  
KNOX COUNTY BOARD OF )  
EDUCATION, et al. )  
Defendants. )

**KNOX COUNTY BOARD OF EDUCATION'S MOTION TO DISMISS PLAINTIFFS'**  
**FIRST AMENDED COMPLAINT**

Defendant Knox County Board of Education (“KCBOE”), by and through counsel, pursuant to *Federal Rule of Civil Procedure* 12(b)(6), respectfully request that Plaintiff Jordan Story VanNess’s Complaint be dismissed for failure to state a claim upon which relief may be granted. Plaintiff VanNess fails to state a claim under the Equal Protection Clause of the Fourteenth Amendment because the Complaint failed to identify a custom, practice, or policy of KCBOE that is the cause of their constitutional injury. Further, Plaintiff’s claims under Title VII and Title XI are untimely and fail to state a claim upon which relief may be granted. With this motion, KCBOE is contemporaneously filing a Memorandum of Law in support of this Motion which fully sets out these arguments. KCBOE incorporates by reference that Memorandum as if fully set forth herein. Finally, KCBOE also fully adopts the arguments made by the State Defendants in their Motion to Dismiss and incorporated Memorandum of Law [Doc. 92 and 93], specifically sections IA-B, IIA-B, and D as if fully set forth herein.

Accordingly, KCBOE respectfully requests that the Court grant this motion and dismiss each of Plaintiff's claims with prejudice.

Respectfully submitted.

s/ Jessica Jernigan-Johnson

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#### **CERTIFICATE OF SERVICE**

I certify that on December 6, 2023, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon:

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